

## ORDINANCE

## 2021 CO 030

AN ORDINANCE GRANTING  
A SPECIAL USE PERMIT  
(AND REPEALING ORDINANCE 2019 CO 31)

Be it ordained by the County Board of Winnebago County, Illinois:

1. That the property commonly known as 8877 State Line Road in Roscoe Township, IL, and specifically legally described as:

Part of the fractional Northeast Quarter (1/4) of Section 1, Township 46 North, Range 2 East of the Third Principal Meridian, bounded and described as follows, to-wit: Commencing at the Northeast corner of said Quarter (1/4) Section; thence North 89 degrees 33' 27" West along the North line of said Quarter (1/4) Section, a distance of 653.00 feet to the point of beginning of this description; thence North 89 degrees 33' 27" West along the North line of said Quarter (1/4) Section, a distance of 1326.56 feet; thence South 00 degrees 06' 53" East, a distance of 562.51 feet to the South line of said fractional Quarter (1/4) Section; thence North 88 degrees 40' 09" East along the South line of said fractional Quarter (1/4) Section, a distance of 1331.14 feet; thence North 00 degrees 35' 32" West, a distance of 521.37 feet to the point of beginning; situated in the County of Winnebago and State of Illinois. (PIN: 04-01-200-005)

is hereby granted a Special Use Permit for Outdoor Entertainment to allow Musical and Non-musical Events in the AG, Agricultural Priority District subject to the following conditions:

1. This Special Use for outdoor entertainment allows for outdoor "musical events" and outdoor "winery related events (non-musical events)" for which the winery related events may include: a grape spitting contest, grape stomping, cigar-wine-tapas pairing, as well as other -winery-themed/related activities. Outdoor entertainment may include an outdoor accessory snack bar and/or refreshment stand. An admission charge (tickets) may also be assessed (sold) for the "winery related events (non-musical events)" -which are restricted to two (2) events in condition no. 2 below- but is (are) NOT allowed for the "musical events". For clarification purposes, general patio use is allowed as noted in condition no. 2 but uses such as a flea/swap market, art/craft show, taste of food festival, musical festival, carnival, fair or the like is/are not being approved via this permit. The approval of the above noted Special Use is not meant to restrict the use of the site as permitted by the current AG District zoning of site.
2. Outdoor musical events are limited to the 1st and 3rd weekends of the month, except as noted hereafter in this condition, to the areas labeled as "SUP patio" on the Site Plan by Staff, dated 02/04/2021. If a 5<sup>th</sup> weekend occurs within a month, said weekend may be used for an outdoor musical event in the event a previously scheduled outdoor musical event was cancelled on the 1<sup>st</sup> and or 3<sup>rd</sup> weekend of the month because of weather related reasons. In any event, there shall not be more than two (2) outdoor musical events per month. Winery related events (non-musical events), however, are further limited to only two (2) one (1) day events per calendar year, which are not limited to the bounds of the "SUP patio", but shall be positioned in a way onsite that does not interfere with / provides for adequate parking onsite. For clarification purposes, this condition is not intended to prevent general patio usage, as such, the SUP patios may also be used by customers -when not being used for a musical events or the bi-annual winery event- for the purpose of sampling / tasting wine and consuming non-alcoholic beverages and prepackaged foods (i.e. wraps and salads), meat / cheese / cracker / chip assortments, fruit dishes and desserts (i.e. cheese cakes).
3. All outdoor entertainment events shall be non-amplified only, and musical events shall be further limited to a maximum of three (3) *acoustical* musicians per routine / performance (to limit noise). Likewise, use of public address systems are also prohibited, except for "emergency" purposes.
4. All activities associated with this Special Use shall be limited to the hours of 10:00 a.m. to 7:00 p.m.

5. Carry-on alcohol is prohibited with regard to the Special Use, however, wine provided by the winery onsite is allowed to be served for/consumed during the events addressed via this Special Use Permit. If wine is consumed outdoors, it shall be limited to the "SUP patios" identified on the Site Plan by Staff, dated 02/04/2021, and said areas must comply with the requirements set forth in the County's Alcoholic Beverages Code, Chapter 6, Article I, which includes but is not limited to Section 6.6 which addresses fencing requirements for outdoor consumption areas. Moreover, if permanent type fencing is desired, a zoning permit must be obtained prior to the erection of the fencing.
  6. Outdoor storage is prohibited on-site.
  7. Vehicle stacking shall be provided for on-site, off the adjacent right-of-way. Patron parking on the public roads is prohibited.
  8. The existing woodland screening shown on the site plan by Staff, dated 02/04/2021, within the subject property bounds shall be maintained (not removed).
  9. Appropriate number of trash receptacles shall be provided during the events, and within twenty four (24) hours of any event, the property shall be surveyed for the purpose of retrieving and disposing of all litter found on-site.
  10. Temporary tent(s) is(are) permissible on-site with regard to this Special Use, and all of the appropriate permits shall be obtained prior to tent setup. Tents must be removed within two (2) days of the end of the event for which it was erected for. Every tent shall comply with the bulk requirements applicable to accessory structures / buildings. Additionally, the size and location of tents may be restricted where it is determined that it creates parking and/or access problems on the site. Tents may be required to be reviewed by the Fire Department and Building Department.
  11. All unused byproduct liquids and/or materials affiliated with the Special Use shall be disposed of in the appropriate manner, in accordance with law.
  12. The events enabled via this permit shall be operated in conjunction with the winery onsite.
  13. Temporary signs (i.e. banners and trailer/portable signs) with regard to this Special Use are permitted in accordance with the provisions of Sections 22.8.3 and 22.9.2 of the UDO. A trailer/portable sign is required to obtain a sign permit prior to install.
  14. All caterers/ vendors for snack bar and/or refreshment stand shall comply with health codes and regulations as well as be approved / permitted by the Health Department.
  15. The Special Use shall not be commenced until all of the appropriate permits (i.e. access permit, building permit(s), zoning clearance/permit(s), health permit(s), etc.) have been obtained and relevant inspections completed.
  16. Winnebago County Zoning Office Staff shall be allowed to visit and inspect the property for compliance with regard to this Special Use Permit.
  17. The Special Use shall be in compliance with all applicable Federal, State and local (i.e. alcoholic beverages code, sign regulations, off-street parking regulations, access regulations, health, building, and zoning codes, etc.) statutes, ordinances, codes, rules and regulations, unless a variation is granted by the appropriate governing body allowing otherwise.
  18. The Special Use Permit (hereto Ordinance) shall be recorded in the County Recorder's Office, and proof of such recording shall be provided to Planning and Zoning Staff.
  19. The Special Use Permit shall expire four (4) years from the date of issuance or at the time of the winery's permanent closure (business dissolution), whichever comes first.
  20. The Ordinance 2019 CO 31; An Ordinance Granting a Special Use Permit (for Outdoor Entertainment to allow musical and non-musical events) shall be repealed, become null and void, immediately upon the adoption of this Ordinance – with regard to Special Use case SU-05-20.
2. That said premises shall be used in compliance with and subject to the applicable provisions of the Unified Development Ordinance (Chapter 90 of W.C.C.) of Winnebago County and shall not be used except as may otherwise be expressly authorized by this Special Use Permit.
  3. That acceptance of any of the benefits of this Special Use Permit shall be deemed acceptance of all the terms and conditions set forth herein.

4. That this Ordinance shall be in full force and effect immediately upon its adoption as provided by law.

The above and foregoing Ordinance was adopted by the County Board of the County of Winnebago, Illinois, on the 11th day of March, 2021.

ATTEST:



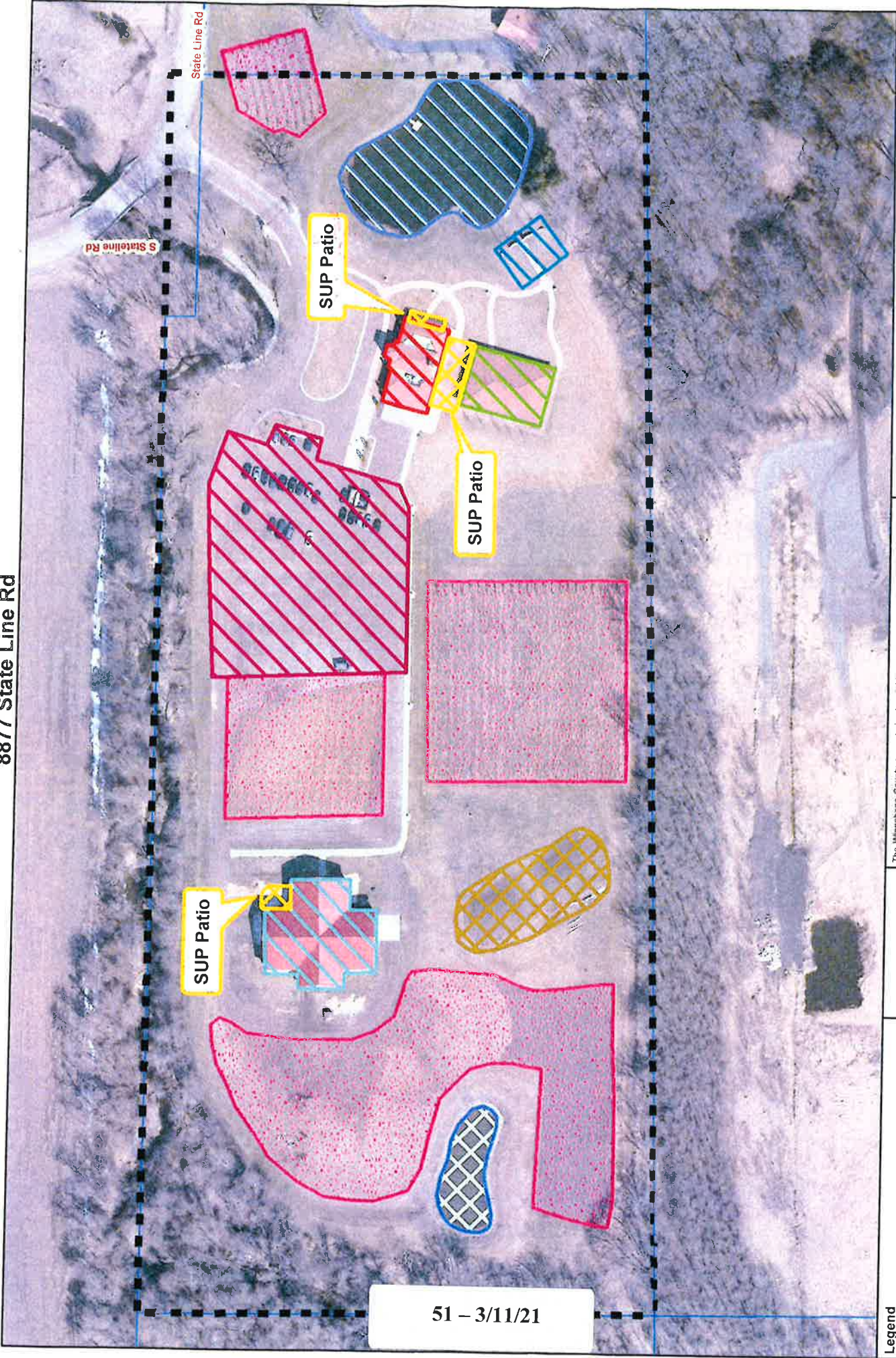
Lori Gummow  
Clerk of the County Board  
County of Winnebago, Illinois



Joseph Chiarelli  
Chairman of the County Board  
County of Winnebago, Illinois



Site Plan: 04-01-200-005  
8877 State Line Rd



51 - 3/11/21

The Winnebago County computerized aerial base property maps were assembled using County, State and other data. The maps are not intended to be the official survey of the land. The official land records are on file in the Winnebago County Recorder's Office.

**Legend**

Use	Detention Pond	Pavilion	Wedding Garden
Mound Septic System	Pond	Winery Building 1	
Parking	SUP Patio	Winery Building 2	
	Vineyard	Zoning Lot	



1 inch = 140 feet

Created by Staff  
Date: 2/4/2021



	AYES	NAYES	PRESENT	ABSENT	ABSTAINED
1. ARENA, PAUL	✓				
2. BILICH, JAS				✓	
3. BOOKER, AARON	✓				
4. BUTITTA, JOHN	✓				
5. CROSBY, JEAN	✓				
6. FELLARS, ANGELA	✓				
7. GERL, BURT	✓				
8. GORAL, ANGIE	✓				
9. HOFFMAN, JOE	✓				
10. KELLEY, DAVE	✓				
11. LINDMARK, BRADLEY	✓				
12. MCCARTHY, KEVIN	✓				
13. MCDONALD, KEITH	✓				
14. NABORS, JR. TIMOTHY				✓	
15. REDD, DORTHY	✓				
16. SALGADO, JAIME	✓				
17. SCHULTZ, STEVE	✓				
18. TASSONI, DAVE	✓				
19. WEBSTER, JIM	✓				
20. WESCOTT, FRED				✓	
TOTALS	17			3	

2 Absent  
1 Not voting (Jas)